

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

APRIL 2, 2008

The **Regular Meeting** of the Council of commissioners was called to order Wednesday, **April 2, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

7 present, 5 absent. Commissioners Coleman, Sheehy, Foley, Sorich and Mulcahy were excused.

PRAYER

Commissioners were led in prayer by Commissioner Shaw.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETINGS OF MARCH 12 AND MARCH 26, 2008 AND THE REGULAR MEETING OF MARCH 19, 2008

It was moved Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal to approve the Minutes of the Special Meetings of March 12 and March 26 and the Regular Meeting of March 19, 2008.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that the NRD grants are ready to go. We had two CDBD checks delivered to us. One for the Gilder House in the amount of \$450,000.00 and one for the Food Bank for \$329,000.00.

He congratulated Jeff Amerman for his Certified Annual Financial Report was complete on time. Copies will be available this Friday from the printer.

The public hearing is scheduled for April 16th for the UDAP Industries, The earliest that the commissioners can vote of the tax abatement would be May 7th. The day after the

public hearing I will have meeting on the Tax Abatement Review Committee and we will have a report back to the council.

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF OBTAINING PUBLIC COMMENTS REGARDING THE CITY AND COUNTY OF BUTTE-SILVER BOW'S OVERALL COMMUNITY DEVELOPMENT, PUBLIC FACILITIES, ECONOMIC DEVELOPMENT, AND HOUSING NEEDS, INCLUDING THE NEEDS OF LOW AND MODERATE INCOME PERSONS. **(Communication No. 08-188 being held in Committee of the Whole) Proof of publication was noted and placed on file.**

Karen Byrnes, Director of Community Development, explained the CDBG has two major categories - entitlement and non-entitlement communities. Butte is not a entitlement community so we must compete for our funds. A public facilities grant and a housing grant were both awarded today.

Chief Executive Babb opened the public hearing at 7:38 p.m. and called for any comments. Andy Zdinak came forward and told that the Butte Local Development Corporation has been working with three companies that are interested in applying for a CDBG grant. They are Ferlander, Silicon Processing and a light manufacturing firm which is a confidential at this time.

There were no others offering to comment so Chief Executive Babb closed the public hearing at 8:40 p.m.

SECTION I-A BID OPENING

SEALED BIDS FOR THE 2008 WATER MAIN REPLACEMENT PROJECT
Proof of publication was noted and placed on file.

Dan Dennehy opened the three bids that were received.

1. Western Municipal Construction	Billings	\$3,057,467.00
2. H & H Contracting	Butte	\$2,150,488.50
3. Hollow Contracting, Inc.	Butte	\$2,047,382.45

SECTION II CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregation or “friendly amendments”. Commissioner O’Leary called for a “friendly amendment” on Communication No. 08-230. The Communication has the appointment for Mary McCormick to be 1 year expiring on July of this year. It should be for three years, expiring in July of 2011.

It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Consent Agenda, Section A. Items 1 through 4 and Section B, Items 1 through 36.

SECTION III ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 08-19

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 6 AND 8 IN BLOCK B OF THE WARREN AND KINGSBURY ADDITION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-20

A RESOLUTION ACCEPTING THE DONATION OF A PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER LYING IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 9 WEST P.M.M. CONTAINING 9.76 ACRES TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-21

A RESOLUTION SUPPORTING MARIAH’S CHALLENGE AND ENCOURAGING BUTTE-SILVER BOW EMPLOYEES TO ASSIST IN THE SUCCESS OF MARIAH’S CHALLENGE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 08-22

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION OF CERTAIN REAL PROPERTY BY THE CITY AND COUNTY OF BUTTE-SILVER BOW TO THE PUBLIC HOUSING AUTHORITY OF BUTTE, A MONTANA MUNICIPAL CORPORATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-23

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW DISTRICT COURT FUND FROM THE CASH RESERVES OF THIS FUND FOR THE PURPOSE OF REPLACING FUNDS USED TO PAY SEVERANCE BENEFITS FOR A RETIRED EMPLOYEE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 08-24

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MILE HIGH ESTATES NO 3 MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. COUNCIL RESOLUTION NO. 08-25

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF THE KINGS ADDITION NO. 1 AND THE GWIN & DUCIE'S ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MILE HIGH ESTATES NO 3 MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION IV ORDINANCES AND RESOLUTIONS –
FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 08-18

A RESOLUTION APPROVING THE BUTTE-SILVER BOW DUI TASK FORCE PROGRAM PLAN FOR FISCAL YEAR 2007-2008 AND AUTHORIZING THE SUBMITTAL OF THE REPORT TO THE MONTANA HIGHWAY TRAFFIC SAFETY DIVISION OF THE MONTANA DEPARTMENT OF JUSTICE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 7 yeas, 0 nays and 5 absent to place Council Resolution No. 08-18 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 7:50PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER